

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 110
APPLICATION PROCESS

Section

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AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, VII and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 44, p. 167, effective October 19, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 6 Ill. Reg. 8125, effective July 1, 1982; codified at 7 Ill. Reg. 5195; amended at 8 Ill. Reg. 6760, effective May 3, 1984; amended at 9 Ill. Reg. 6798, effective April 30, 1985; amended at 9 Ill. Reg. 13087, effective August 16, 1985; amended at 12 Ill. Reg. 11457, effective July 1, 1988; amended at 13 Ill. Reg. 3836, effective March 10, 1989; amended at 13 Ill. Reg. 10628, effective June 22, 1989; amended at 14 Ill. Reg. 13198, effective August 6, 1990; amended at 16 Ill. Reg. 16618, effective October 23, 1992; amended at 17 Ill. Reg. 640, effective December 31, 1992; emergency amendment at 19 Ill. Reg. 8429, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15053, effective October 17, 1995; amended at 20 Ill. Reg. 14834, effective November 1, 1996.

Section 110.1 Incorporation by Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Added at 13 Ill. Reg. 3836, effective March 10, 1989)

Section 110.10 Application for Assistance

- a) An application is a signed request for assistance on a Department of Public Aid ("Department") form which has been completed to the best of the client's knowledge and ability.
- b) The application must contain an original signature or signatures. If the application does not contain an original signature or signatures, the local office shall return the application to the sender to obtain the original signature or signatures.
- c) The application must be signed by the applicant with the following exceptions:
 - 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
 - 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly in behalf of the applicant.
 - 3) When application is made in behalf of a child, the child's caretaker must sign the application.
 - 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act on his or her behalf.)
- d) Application for medical assistance may be made in behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- f) The date of application shall be the date a completed original application is received by the local office serving the area of the State in which the applicant lives, with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally qualified health center, the date the application is signed by the applicant shall be the date

of application.

- g) Medical Assistance No Grant - Aid to the Aged, Blind or Disabled (MANG) (AABD)

Application shall be made for residents of facilities operated by the Department of Mental Health and Developmental Disabilities (DMHDD) only when the services received by the residents are being provided in a covered setting. Covered setting is defined according to the services provided, the age and diagnosis of the patient and the facility certification. The following are covered settings:

- 1) Psychiatric Hospital Service
 - A) Client Age: 65 and over
 - i) Client Diagnosis: Any
 - ii) Facility Certification: Title XVIII (Medicare)
 - B) Client Age: Under 21 or up to age 22 when services were being received immediately prior to attaining age 21 and the treatment plan includes re-entry into the community
 - i) Client Diagnosis: Mentally Ill
 - ii) Facility Certification: Joint Commission on the Accreditation of Healthcare Organizations (JCAHO)
- 2) Medical/Surgical Services
 - A) Client Age: No Restrictions
 - B) Client Diagnosis: No Restrictions
 - C) Facility Certification: Title XVIII (Medicare)
- 3) Skilled Nursing Facility (SNF), Intermediate Care Facility (ICF) and Intermediate Care Facility for the Mentally Retarded (ICF-MR) Services
 - A) Client Age: 65 and over
 - i) Client Diagnosis: No Restriction

- ii) Facility Certification: By Department of Public Health for Title XX (Medicaid)
 - B) Client Age: Up to 65
 - i) Client Diagnosis: Mentally Retarded
 - ii) Facility Certification: By Department of Public Health and Title XX (Medicaid)
 - C) Client Age: Under 21
 - i) Client Diagnosis: Mentally Ill ONLY
 - ii) Facility Certification: JCAHO (Does not include ICF-MR)
- h) Eligibility exists only when the DMHDD patient has not been adjudicated incompetent or if there has been an adjudication of incompetency, a conservator has been legally appointed.
- i) Application shall be made for a patient age 21 or over by the patient, conservator or by someone acting responsibly in the patient's behalf. Application for patients under age 21 shall be made by the patient's parent or parents, legal guardian or conservator.
- j) If the parents are unwilling to apply for assistance, the patient is not eligible.

(Source: Amended at 20 Ill. Reg. 14834, effective November 1, 1996)

Section 110.15 Local Office Action on Application for Public Assistance

Upon a person's making application for Public Assistance at a local office, the local office shall consider that person's eligibility for all forms of Public Assistance according to the appropriate eligibility rules for assistance programs, unless the person has indicated in writing that he or she does not want to apply for certain programs. A signed original application form on which the person indicates the program or programs for which he or she does or does not want to apply constitutes the person's written statement. The words "Public Assistance" constitute the assistance provided by the Department as specified in Articles III, IV, V, VI, and VII of the Public Aid Code, namely Aid to the Aged, Blind and Disabled, Aid to Families with Dependent Children, Refugee Assistance program, the Department's Medical Programs and General Assistance (where administered by the Department). Upon a person's making application for Public Assistance at a local office, the local office shall also consider that person's eligibility for the United States Department of Agriculture's Food Stamp Program (unless the applicant has indicated in writing that he or she does not want Food Stamps) and for such other programs as the Department may from time to time be administering pursuant to the laws and regulations of the State and federal government. A signed original application form on which the person indicates whether or not he or she wants to apply for Food Stamps or any other programs which the Department may offer at any given time constitutes the person's written statement.

(Source: Amended at 20 Ill. Reg. 14834, effective November 1, 1996)

Section 110.20 Time Limitations on the Disposition of an Application

- a) Within 10 days after a decision is made on an application, the Department shall inform the applicant in writing of the decision. This notice shall contain a decision on each of the following programs for which the recipient may be eligible based on information contained on the application: AFDC, Medical Assistance, AABD, GA (City of Chicago), AMI and Food Stamps. No decision shall be required for any assistance program for which the applicant has expressly declined in writing to apply.
- b) The Department shall send a notification of its determination within the following time periods, calculated from the date of application:
 - 1) Aid to the Aged, Blind or Disabled (Aged)/((AABD)(A)) and related Medical Assistance-No Grant (MANG) – 45 calendar days
 - 2) Aid to the Aged, Blind or Disabled (Blind)/((AABD)(B)) and related MANG – 45 calendar days
 - 3) Aid to the Aged, Blind or Disabled (Disabled)/((AABD)(D)) and related MANG – 60 calendar days
 - 4) Aid to the Families with Dependent Children (AFDC) and related MANG – 45 calendar days
 - 5) General Assistance(GA), Aid to the Medically Indigent (AMI) – 45 calendar days
- c) The time limitation for determining eligibility for AFDC may be extended another 45 calendar days when a decision cannot be reached because information necessary for a determination is available only from third parties and such parties fail to respond or delay their response to a request for such information.
- d) The time limitation for determining eligibility for General Assistance may be exceeded only when a decision cannot be reached because of failure or delay on the applicant's part.
- e) The Department shall make a decision on an application for social services within 30 days of the date of application, and shall inform the applicant in writing of its decision within 15 days of the decision.

(Source: Amended at 12 Ill. Reg. 11457, effective July 1, 1988)

Section 110.30 Approval of an Application and Initial Authorization of Financial Assistance

- a) Financial assistance (for Aid to the Aged, Blind or Disabled, Interim Assistance and Aid to Families with Dependent Children) shall be authorized effective from the earlier of:
 - 1) The date of decision on the current application; or
 - 2) Thirty days after the date of application provided the case is eligible on that date; or
- b) Financial assistance for General Assistance shall be authorized effective:
 - 1) Thirty days following the date of application.
 - 2) If General Assistance (GA) is approved as a result of termination of Aid to Families With Dependent Children (AFDC) or Aid to the Aged, Blind or Disabled (AABD) assistance or deletion (AFDC only) for certain non-financial reasons (see 89 Ill. Adm. Code 102.70(f)), assistance shall be authorized with no gap if an application is filed within thirty (30) days of the notice of termination of AFDC or AABD or deletion (AFDC only) (see also 89 Ill. Adm. Code 102.70).
- c) If the applicant is determined eligible for financial assistance, the notice (see Section 110.20) shall state the amount of financial assistance to be provided, and a statement of the reasons for any partial grant amounts. Partial grant amount is defined as the maximum grant that a family unit for whom application for public assistance was filed is eligible to receive, less any reductions resulting from the consideration.

(Source: Amended at 17 Ill. Reg. 640, effective December 31, 1992)

Section 110.32 Initial Authorization of Medical Assistance (MAG)

Medical Assistance (MAG) (for Aid to the Aged, Blind or Disabled and Aid to Families with Dependent Children) and medical assistance for General Assistance clients determined by the Department to be disabled shall be authorized, dependent on the specific case situation, effective:

- a) The first day of the month of application, providing the client was eligible that month, or
- b) The first day of the month of initial eligibility subsequent to the month of application, or
- c) The first day of each month within the 3 months prior to the date of application. The applicant must be both categorically and financially eligible for the month or months for which medical need has been established. The months of retroactive medical eligibility may be noncontinuous.

(Source: Amended at 19 Ill. Reg. 15053, effective October 17, 1995)

Section 110.34 Approval of an Application and Initial Authorization of Medical Assistance (MANG)

Authorization of medical assistance (MANG) shall be effective:

- a) The month of application, providing the client was eligible; or
- b) The month of initial eligibility subsequent to the application date; or
- c) Each month within the 3 months prior to the date of application. The applicant must be both categorically and financially eligible for the month(s) for which medical need has been established. The months of retroactive medical eligibility may be noncontinuous.

(Source: Amended at 6 Ill. Reg. 8125, effective July 1, 1982)

Section 110.36 Initial Authorization of General Assistance – Medical

General Assistance (GA) medical assistance, except for clients determined by the Department to be disabled, shall be authorized, dependent on the specific case situation, effective:

- a) The first day of the month of application providing the client was eligible that month; or
- b) The first day of the month immediately prior to the month of application; or
- c) The first day of the month of initial eligibility subsequent to the month in which application is made.

(Source: Amended at 19 Ill. Reg. 15053, effective October 17, 1995)

Section 110.38 General Assistance and Aid to the Medically Indigent Special Approval Provisions

Temporary assistance shall be authorized in General Assistance cases in which it is verified that an applicant meets all eligibility criteria other than the requirement of citizenship/alienage status and such verification is expected to be received but to take a length of time which would cause undue hardship to the applicant, such that he would be unable to meet his basic maintenance needs of food, shelter and other necessities and the applicant has submitted verification that the required documents have been requested.

(Source: Amended at 6 Ill. Reg. 8125, effective July 1, 1982)

Section 110.40 Denial of an Application

- a) An application for public assistance shall be denied if it is established that the applicant does not meet one or more of the eligibility requirements or if the applicant chooses to withdraw the application.
- b) If the applicant is determined ineligible for public assistance, the notice (see Section 110.20) shall include the reason why the applicant is ineligible.
- c) If eligibility cannot be conclusively determined because of the applicant's unwillingness to cooperate in providing essential information or refusal to consent to verification by the local office, or the applicant has not provided sufficient information for a determination of eligibility, the application shall be denied.

(Source: Amended at 12 Ill. Reg. 11457, effective July 1, 1988)